

**ZB# 01-51**

**Louis DiMiceli**

**32-2-78.2**

Prelim.

Sep. 24, 2001.

Public Hearing:

Oct. 22, 2001.

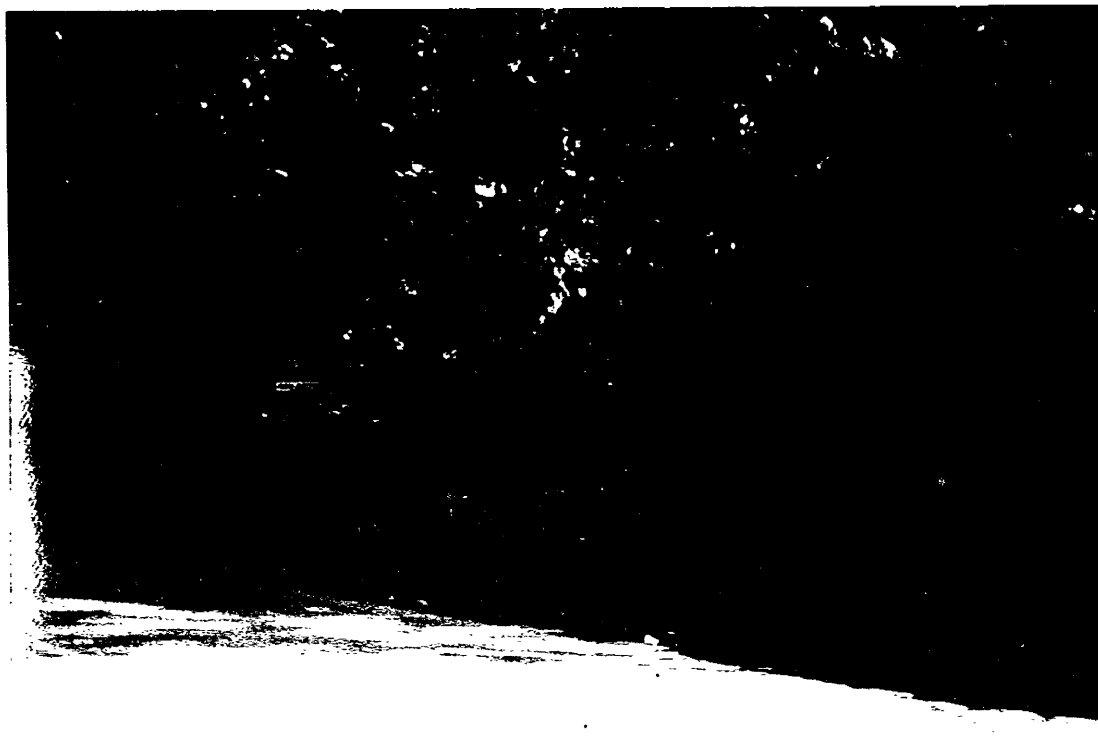
Granted

Refund \$194.00

#01-51

DiMiceli, Louis

Area 32-2-78.2



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: DiMici, Louis J. / Marilyn FILE# A-51

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00  
INTERPRETATION: \$150.00

AREA X USE     

APPLICATION FOR VARIANCE FEE.....\$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/24/01: 2.....\$ 9.00  
2ND PRELIMINARY- PER PAGE.....\$       
3RD PRELIMINARY- PER PAGE.....\$       
PUBLIC HEARING - PER PAGE 9/24/01: 2.....\$ 27.00  
PUBLIC HEARING (CONT'D) PER PAGE.....\$       
TOTAL.....\$ 36.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 9/24/01.....\$ 35.00  
2ND PRELIM.....\$       
3RD PRELIM.....\$       
PUBLIC HEARING. 10/22/01.....\$ 35.00  
PUBLIC HEARING (CONT'D).....\$       
TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$       
TOTAL.....\$ 106.00

LESS ESCROW DEPOSIT.....\$ 300.00  
(ADDL. CHARGES DUE).....\$       
REFUND DUE TO APPLICANT..\$ 194.00

*paid ck # 1828-  
10/4/01.  
paid ck # 1007*

**Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611**

**RECEIPT  
#962-2001**

**10/04/2001**

**2BA 01-51  
Payo, Margaret  
427 Mt. Alry Road  
New Windsor, NY 12553**

**Received \$ 50.00 for Zoning Board Fees on 10/04/2001. Thank you for stopping by  
the Town Clerk's office.**

**As always, It is our pleasure to serve you.**

**Deborah Green  
Town Clerk**

**PAID** **1007**  
DATE Oct 4 2004  
PAY TO THE ORDER OF Town of New Windsor \$ 300 <sup>xx</sup>/<sub>100</sub>  
Three hundred and <sup>xx</sup>/<sub>100</sub> DOLLARS  
Preferred Benefits Account  
THE NORTHERN TRUST COMPANY CHICAGO, IL 60710  
PAYABLE THROUGH NORTHERN TRUST/DUPAGE, OAK BROOK, IL  
1-800-343-2331  
ZBA # 01-51 Margaret A. [Signature]  
NOT VALID FOR LESS THAN \$250.00

⑆071923828⑆ 9850160314⑈ 100775

FRED R. FAYO JR. 4-96  
MARGARET ANN FAYO  
(914) 584-8590  
427 MT. AIRY RD.  
NEW WINDSOR, NY 12553-0017

1828

50-6937219

Date Oct 4, 2021

Pay to the  
Order of

Town of New Windsor

\$ 50<sup>XX</sup>/<sub>100</sub>

Fifty and 00/100

Dollars 00/100

KINGDOM NATIONAL ASSOCIATION  
VALLEY SPRING, NY 12584

NOV 11 2021 01-51

Margaret Ann Fayo

⑆021906934⑆ 323020014771⑆ 1828

ARTISTIC CHECKS • 1-800-224-7621 • COWBOY

10/22/01

Public Hearing: Di Miceli, Louis #01-51

Name:

Address:

objection  
(water  
run off)

Vincent & June Guerino

776 Jackson Ave.



Date ..... 12/26/01 .....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth  
168 N. Drury Lane ..... DR.  
Newburgh, N.Y. 12550

| DATE     |  |                      | CLAIMED | ALLOWED |
|----------|--|----------------------|---------|---------|
| 12/29/01 |  | Zoning Board Meeting | 75 00   |         |
|          |  | Misc. - 1            |         |         |
|          |  | Searing - 5          |         |         |
|          |  | Mosheer - 4          |         |         |
|          |  | Santos - 4           |         |         |
|          |  | Sheehan - 2          |         |         |
|          |  | Lucas - 3            |         |         |
|          |  | Weed - 6             |         |         |
|          |  | Manera - 2           |         |         |
|          |  | Scheuermann - 2      |         |         |
|          |  | Di Micelli - 6       |         |         |
|          |  | Pila/OC Trust - 3    |         |         |
|          |  | Patzakis - 3         |         |         |
|          |  |                      | 47      |         |
|          |  |                      | 211 50  |         |
|          |  |                      | 286 50  |         |

**ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR  
COUNTY OF ORANGE:STATE OF NEW YORK**

**In the Matter of the Application for Variance of**

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

Louis Di Miceli

# 01-51.

STATE OF NEW YORK) ) SS.:  
COUNTY OF ORANGE )

**PATRICIA A. CORSETTI, being duly sworn, deposes and says:**

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 9th day of October, 2006, I compared the 12 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then caused the envelopes to be deposited in a U.S. Depository within the Town of New Windsor.

Technical Corset

**Notary Public**

Sworn to before me this

\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Notary Public**

*Pls. publish immediately, Send bill to Applicant @ below address.*

**PUBLIC NOTICE OF HEARING**

**ZONING BOARD OF APPEALS**

**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 51

Request of Louis DiMiceli

for a VARIANCE of the Zoning Local Law to Permit:

Construction of single-family residence w/ insufficient  
lot width;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Col. D

for property situated as follows:

786 Jackson Avenue, New Windsor, N.Y.

known and designated as tax map Section 32, Blk. 2 Lot 78.2

**PUBLIC HEARING** will take place on the 22nd day of October, 2001. at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley  
Chairman

By: Patricia A. Corsetti, Secy.

-----X  
In the Matter of the Application of

**LOUIS DI MICELI**

MEMORANDUM OF  
DECISION GRANTING

AREA VARIANCE

#01-51.  
-----X

**WHEREAS**, **LOUIS DI MICELI**, 786 Jackson Avenue, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 25 ft. lot width variance for construction of a single-family residence at 786 Jackson Avenue in an R-1 zone; and

**WHEREAS**, a public hearing was held on the 22<sup>nd</sup> day of October, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, Applicant appeared by Anthony Fayo for this Application; and

**WHEREAS**, there were two spectators appearing at the public hearing; and

**WHEREAS**, one of the spectators spoke regarding his concern for water run off in the area of the parcel and stated that he objected to this Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a vacant parcel located in a neighborhood of one-family home.

(b) Applicant seeks a variance to construct a single-family residence.

(c) Since the property is located in a residential neighborhood, the proposed construction will be consistent with the neighborhood.

- (d) The proposed construction of the residence will be in line with the other homes in the area and will appear consistent with those homes.
- (e) The proposed construction will not create any water hazards, ponding or collection of water.
- (f) The proposed construction will not be located on the top of any well or septic system or any water or sewer easement.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant which can produce the benefits sought.
3. The variance requested is not substantial in relation to the Town regulations but nevertheless is warranted.
4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is not self-created.
6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance.

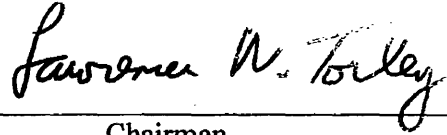
**NOW, THEREFORE, BE IT**

**RESOLVED,** that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 25 ft. lot width variance for construction of a single-family residence at 786 Jackson Avenue in an R-1 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicants.

Dated: January 14, 2002.



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Chairman

PUBLIC HEARING:

DIMICELI, LOUIS

MR. TORLEY: Request for 25 ft. lot width variance for proposed single-family dwelling at 786 Jackson Avenue in an R-1 zone.

Mr. Anthony Fayo appeared before the board for this proposal.

MR. TORLEY: Is there anyone in the audience who wishes to speak on this matter?

MS. CORSETTI: For the record, we sent out 12 addressed envelopes with the legal notice inside on October 9.

MR. REIS: For the record, I'm involved with the sale of this property, I'm going to recuse myself from this process.

MR. TORLEY: I thank you for that. Variance arises due to the fact that the road width is 100 foot rather than 125 feet and what you're measuring now at that point?

MR. BABCOCK: When this lot was created, lot width was measured at the house line, wherever you built the house. Since this lot's been created and today the law is changed where it has to be set the width, lot width is set at the property yard setback, which is 45 feet off the road.

MR. TORLEY: So even though this is an 8.7 acre parcel, it theoretically fails at the front yard width?

MR. BABCOCK: That's correct.

MR. KRIEGER: Even though it will have adequate width if it were measured at the house?

MR. BABCOCK: That's correct.

MR. TORLEY: And this will be for a single family dwelling?

MR. BABCOCK: Yes, single family dwelling.

MR. KANE: How far back off the road are you proposing to put the house?

MR. FAYO: I think I measured that before maybe 500 feet, I did make a little sketch.

MR. TORLEY: Fairly well off the road.

MR. KANE: In building the house, are you going to create any water hazards or runoffs?

MR. FAYO: No, I should not. If there is, it will all be corrected beforehand.

MR. TORLEY: Gentlemen, do you have any questions? At time, I'll open it up to the public. Sir, do you have any comments you wish to make on this?

MR. GUARINO: Vincent Guarino. If this was just flat land, I wouldn't even be here. I don't care about the 25 feet problem. But it's a high hill and we get a lot of water running off there, in fact, at one time, that property belonged to my wife and the runoff that came down smashed into the house and knocked the back wall and basement down. Since that it's been rebuilt and the bank was cut back. I have tried to take a shot at the top of the property, just to show you how high that is and this is another shot here, they're not very good but here's the thing, when my wife sold that property to Mr. DiMiceli, Sr. sometime after he purchased, he decided that he was going to try and do something with it so he had some engineering work done and the engineers came to him and said there's no way you're going to put a driveway up that as steep as it is without getting more land because basically what you're going to have to do is come up and sweep up ever so gently on the gentle curve to avoid the water damage and mud runoff and whatnot. And there's simply just no way. So they came to us back then about in 1990 and asked, had the nerve to actually ask us for property and we said no. So that was the end of the project as far as they were concerned. And so basically, that's what brings me here, I'm concerned about heavy water



damage, water erosion, mud slides once you open that dirt, I don't even want to think about it.

MR. MC DONALD: Where are you located on this tax map?

MR. GUARINO: This is us right here.

MR. TORLEY: For the record, the gentleman lives at 70.1 is the tax lot number, you would be responsible of course if you're granted this variance, you'd be responsible for water runoff.

MR. FAYO: Yes.

MR. TORLEY: So any alterations in the water flow or flooding would be then your responsibility.

MR. FAYO: Yes, I'll take care of all that.

MR. KANE: Which sold the property, did you sell with the intent knowing something else would be built?

MR. GUARINO: I personally didn't sell it, my wife did.

MR. KANE: You sold it to somebody?

MRS. GUARINO: It was in my family, Mr. DiMiceli was my brother-in-law so there was, it was supposed to be kept in the family.

MR. KANE: To do what with?

MRS. GUARINO: Whatever, keep it in the family, basically.

MR. KANE: Thank you.

MR. GUARINO: So let's assume as good as this gentleman may be with controlling this that it gets away from him, what is my recourse? Cause I'm certainly not going to clean up the mess, I'll tell you what, we get a lot of water, as it is now, we get ponding occasional erosion and that's before anything's disturbed. When that comes careening down, it might well end up out in the road, especially when it's under construction, you

may want to consider that as well. The road is prone to flooding and the town's been out there putting in large drain pipes trying to get the water that comes off that side underneath the road and over to the other side.

MR. TORLEY: When you're talking about putting your house on the order of 500 feet back in there?

MR. FAYO: As far as I can remember, even when my father had it really no problem with water, as far as going out into the main highway, there's a steep ditch that goes along that property line and the only time that may happen probably down I'd say a hundred feet from the property it does go across the road and once it does flow, it might go across.

MR. KANE: Any easements on that property?

MR. FAYO: Not to my knowledge, no.

MR. TORLEY: Or deed restrictions prevent you from building?

MR. FAYO: Not to my knowledge, no.

MR. TORLEY: So, I gather you'd be opposed to this?

MR. GUARINO: I would be opposed to it, yes.

MR. TORLEY: Thank you.

MR. KRIEGER: Of the area that exists, how much of it, if this were allowed and you were to build a house, how much of it would become impervious surface, what percentage, do you have any idea?

MR. FAYO: I'm going to say probably the size of the house.

MR. KRIEGER: Which is, what's a percentage, 8.7 acres?

MR. FAYO: I'm going to say maybe three quarters of an acre total.

MR. TORLEY: This is not disturbing but may be impervious, so the house?

MR. KRIEGER: Area of the footprint of the house and you have the driveway.

MR. TORLEY: Asphalt driveway?

MR. FAYO: It would be a dirt driveway.

MR. KRIEGER: That's not impervious, okay, so it would be the area of the house.

MR. FAYO: The area of the house.

MR. TORLEY: I will now close the public hearing and open it back to the members of the board.

MR. KRIEGER: You think the area of the house would be approximately what?

MR. FAYO: If I recall, maybe less than a half acre.

MR. TORLEY: That's the house and yard.

MR. FAYO: Impervious in terms of footprint, about a half acre.

MR. KANE: How close to the nearest house to where you propose to build?

MR. FAYO: Maybe as much as 500 feet away.

MR. RIVERA: Have you planned for any concessions to avoid any damage to the property?

MR. FAYO: Everything will be ditched properly and if there's erosion control necessary, definitely do so, there's adequate flow of the water there.

MR. RIVERA: You have anticipated this?

MR. FAYO: I have thought about it, yes.

MR. TORLEY: Gentlemen, do you have any other

October 22, 2001

35

questions? I'll entertain a motion on this matter.

MR. KANE: I move we approve the requested variance for Louis DiMiceli at 786 Jackson Avenue.

MR. MC DONALD: Second it.

ROLL CALL

|               |         |
|---------------|---------|
| MR. REIS      | ABSTAIN |
| MR. KANE      | AYE     |
| MR. MC DONALD | AYE     |
| MR. RIVERA    | AYE     |
| MR. TORLEY    | AYE     |

Date November 13, 2001

# TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553**

TO .

Margaret Fay  
427 Mt. Airy Rd.  
N.W. 12553.

**DATE**

**CLAIMED**

**ALLOWED**

|    |    |    |
|----|----|----|
| 11 | 13 | 01 |
|----|----|----|

|                          |
|--------------------------|
| Refund of Escrow Deposit |
| #01-51                   |

|     |    |
|-----|----|
| 194 | 00 |
|-----|----|

Lawrence N. Torley

NOV 15 2001

CC-BY

OFFICE OF THE BUILDING INSPECTOR  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

**NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION**

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO  
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 9/6/01

APPLICANT: Louis Dimiceli  
21 Howard Street  
Cornwall, NY 12518

**COPY**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : Proposed one family house

LOCATED AT: 786 Jackson Avenue

ZONE: R-1      Sec/ Blk/ Lot: 32-2-78.2

DESCRIPTION OF EXISTING SITE: Vacant land

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed one family house does not meet minimum ~~road frontage~~ lot width.

  
BUILDING INSPECTOR

PERMITTED 125ft

PROPOSED OR  
AVAILABLE:

VARIANCE  
REQUEST:

ZONE: R-1 USE: D-5

MIN LOT AREA:

MIN LOT WIDTH:

→ 100 ft.

25 ft.

(per Mike Babcock  
on 09/24/01.)

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

~~1000~~

250

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS  
**IMPORTANT**  
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:  
Building Permit #: \_\_\_\_\_

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS  
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises MARILYN DIMICELI

Address 21 HOWARD ST. CORNWALL, NY 12518 Phone # 534-3062

Mailing Address 21 HOWARD ST. CORNWALL, NY 12518 Fax # \_\_\_\_\_

Name of Architect FRED, ANTHONY, MARSE FAYO

Address 429 MT AIRY RD NEW WINDSOR, NY 12553 Phone (845) 564-6590

Name of Contractor FRED, ANTHONY, FAYO



Address 305 BULL RD WASHINGTONVILLE NY 10992 Phone (845) 497-3529

State whether applicant is owner, lessee, agent, architect, engineer or builder BUILDER/BUYER IN CONTRACT

If applicant is a corporation, signature of duly authorized officer. \_\_\_\_\_

(Name and title of corporate officer)

1. On what street is property located? On the JACKSON AVENUE side of EAST SIDE  
(N, S, E or W)  
and 1000 feet from the intersection of RT 207
2. Zone or use district in which premises are situated dwelling Is property a flood zone? Y N X
3. Tax Map Description: Section 32 Block 2 Lot 78.2
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
  - a. Existing use and occupancy VACANT LAND
  - b. Intended use and occupancy SINGLE FAMILY DWELLING
5. Nature of work (check if applicable) ☒ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other
6. Is this a corner lot? NO
7. Dimensions of entire new construction. Front 68-2 Rear 68-2 Depth 57-4 Height \_\_\_\_\_ No. of stories 2
8. If dwelling, number of dwelling units: 2 Number of dwelling units on each floor 1  
Number of bedrooms 3 Baths 2 1/2 Toilets 3 Heating Plant: Gas \_\_\_\_\_ Oil X  
Electric/Hot Air X Hot Water X If Garage, number of cars 2
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use P/A

10. Estimated cost \$129,000 <sup>00/100</sup> Fee \$50.00 <sup>00/100</sup> CL# 1797

\* Variance

08124 101  
date

APPLICATION FOR BUILDING PERMIT  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock  
Asst. Inspectors Frank Lisi & Louis Krychear  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553  
(845) 563-4618  
(845) 563-4695 FAX

Bldg Insp Examined \_\_\_\_\_  
Fire Insp Examined \_\_\_\_\_  
Approved \_\_\_\_\_  
Disapproved \_\_\_\_\_  
Permit No. \_\_\_\_\_

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Margaret A. Fay  
(Signature of Applicant)

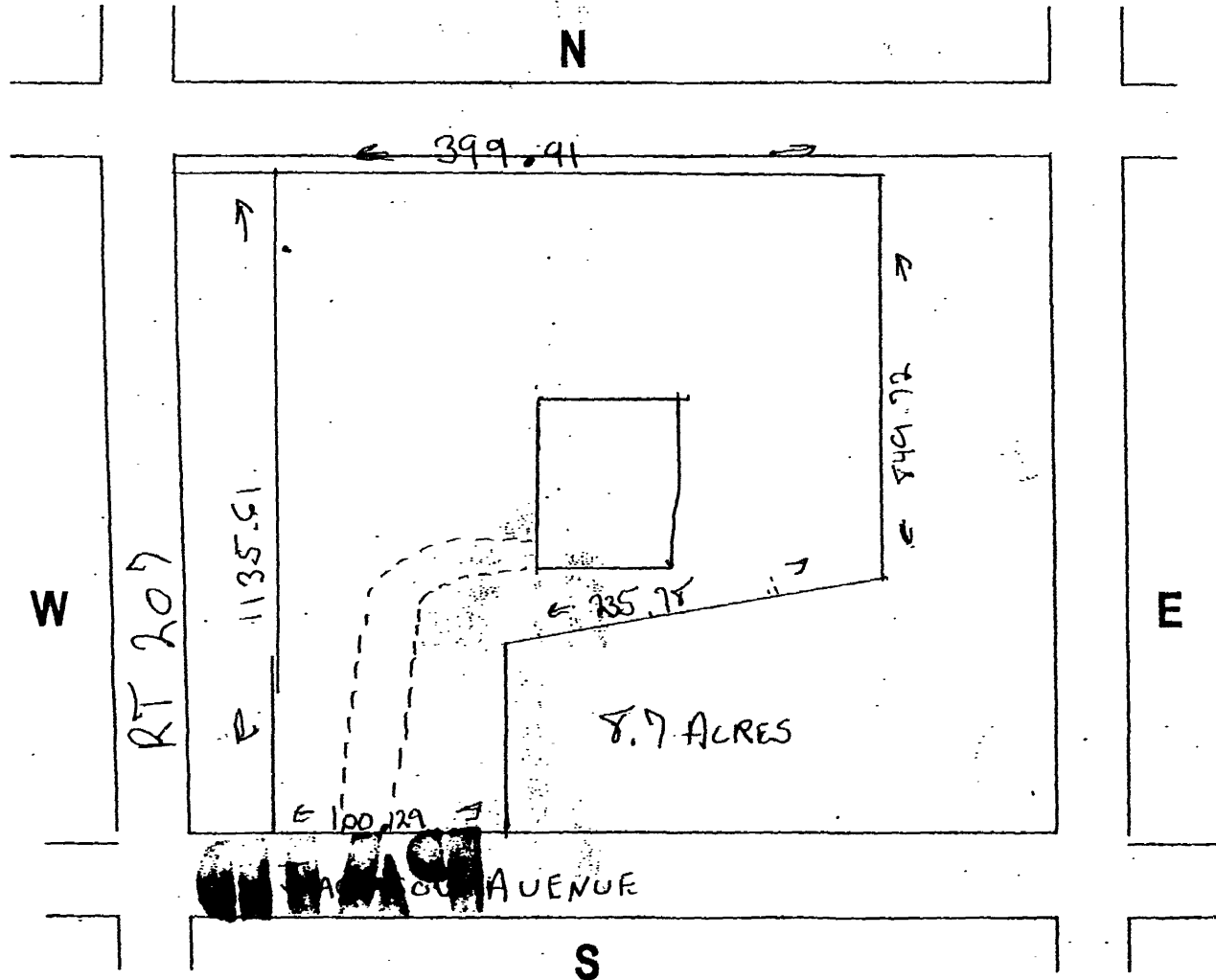
427 Mt. Airy Rd. New Windsor, NY  
(Address of Applicant)

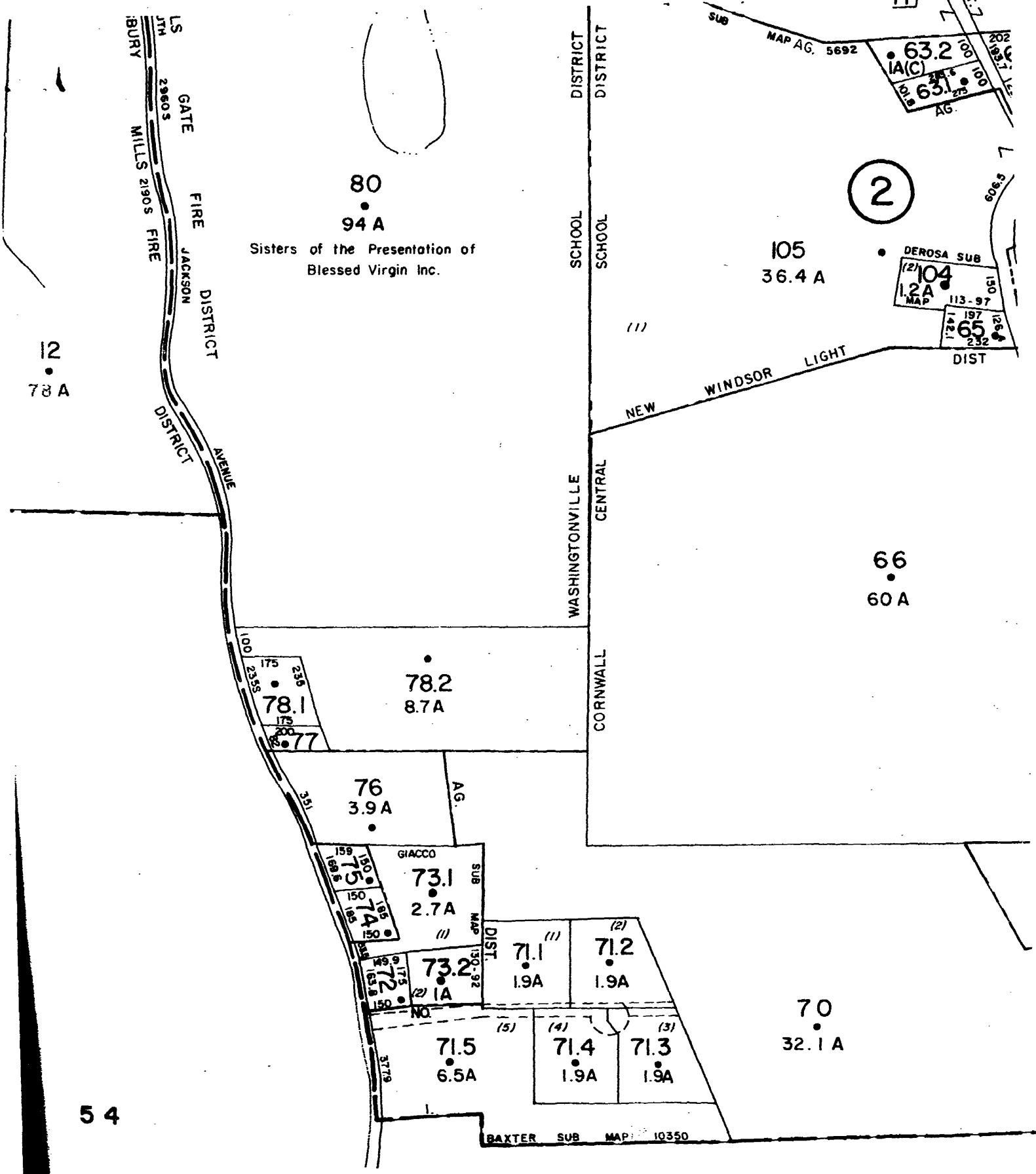
Anthony DiMichele Michaelis as agent.  
(Owner's Signature)

21 Howard St. Cornwall, NY 12518  
(Owner's Address)

PLOT PLAN

**NOTE:** Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





80  
94 A  
Sisters of the Presentation of  
Blessed Virgin Inc.

2

105  
36.4 A

DEROSA SUB  
(2) 104  
1.2 A  
113-97  
197  
65  
2.32  
DIST

66  
60 A

78.2  
8.7 A

76  
3.9 A

GIACCO  
SUB  
73.1  
2.7 A  
73.2  
1.9 A  
72  
1.9 A  
71.5  
6.5 A

(1) 71.1  
1.9 A  
(2) 71.2  
1.9 A  
(3) 71.3  
1.9 A  
(4) 71.4  
1.9 A  
(5) 71.5  
6.5 A

70  
32.1 A

BAXTER SUB MAP 10350

54

TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

# 01-51

Date: 10/64/01

I. ✓ Applicant Information:

- (a) Marilyn DiMiceli  
(Name, address and phone of Applicant) (Owner)
- (b) Margaret-Fred III- Anthony Fayo  
(Name, address and phone of purchaser or ~~lessee~~)
- (c) Brian Gilmarten, 90E. Main St., Washingtonville, N.Y. 10992  
(Name, address and phone of attorney) 308 Bull Rd.
- (d) Classic Homes (Anthony & Fred Fayo, III) Washingtonville, N.Y.  
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information:

- (a) R-1 Jackson Ave., New Windsor 32-2-78.2 8.7 acres  
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? None
- (c) Is a pending sale or lease subject to ZBA approval of this application? Yes
- (d) When was property purchased by present owner? 10 + Years
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? No  
If so, when? ----
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No

IV. Use Variance. ✓/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_, to allow:

(Describe proposal) Single family dwelling and (2) two outbuildings.

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

There is no other potential way to alleviate the hardship and granting the variance will not create any negative impact on/in the immediate area.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes      No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. ☒ Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. D.

| <u>Requirements</u>          | <u>Proposed or Available</u> | <u>Variance Request</u> |
|------------------------------|------------------------------|-------------------------|
| Min. Lot Area                |                              |                         |
| Min. Lot Width <u>125 FT</u> | <u>100 FT</u>                | <u>25 FT</u>            |
| Reqd. Front Yd.              |                              |                         |
| Reqd. Side Yd.               |                              |                         |
| Reqd. Rear Yd.               |                              |                         |
| Reqd. Street Frontage*       |                              |                         |
| Max. Bldg. Hgt.              |                              |                         |
| Min. Floor Area*             |                              |                         |
| Dev. Coverage* <u>    </u> % | <u>    </u> %                | <u>    </u> %           |
| Floor Area Ratio**           |                              |                         |
| Parking Area                 |                              |                         |

\* Residential Districts only

\*\* No-residential districts only

☒ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

If the variance is granted it will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood. The hardship was not self-created: if granted there will be no detriment to the health, safety and welfare of the neighborhood or community.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: MA

(a) Variance requested from New Windsor Zoning Local Law, Section \_\_\_\_\_, \_\_\_\_\_ Regs.

|        | <u>Requirements</u> | <u>Proposed or Available</u> | <u>Variance Request</u> |
|--------|---------------------|------------------------------|-------------------------|
| Sign 1 | _____               | _____                        | _____                   |
| Sign   | _____               | _____                        | _____                   |
| Sign 3 | _____               | _____                        | _____                   |
| Sign   | _____               | _____                        | _____                   |
|        | _____               | _____                        | _____                   |

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

\_\_\_\_\_  
 \_\_\_\_\_

VII. Interpretation: MA

(a) Interpretation requested of New Windsor Zoning Local Law, Section \_\_\_\_\_, Table of \_\_\_\_\_ Regs., Col. \_\_\_\_\_.

(b) Describe in detail the proposal before the Board:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

There will be only only (1) one single family dwelling and (2) two out buildings on the entire 8.7 acre site.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$310.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: Oct. 4, 2001

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

X Margaret A. Lajoie  
(Applicant)

Sworn to before me this

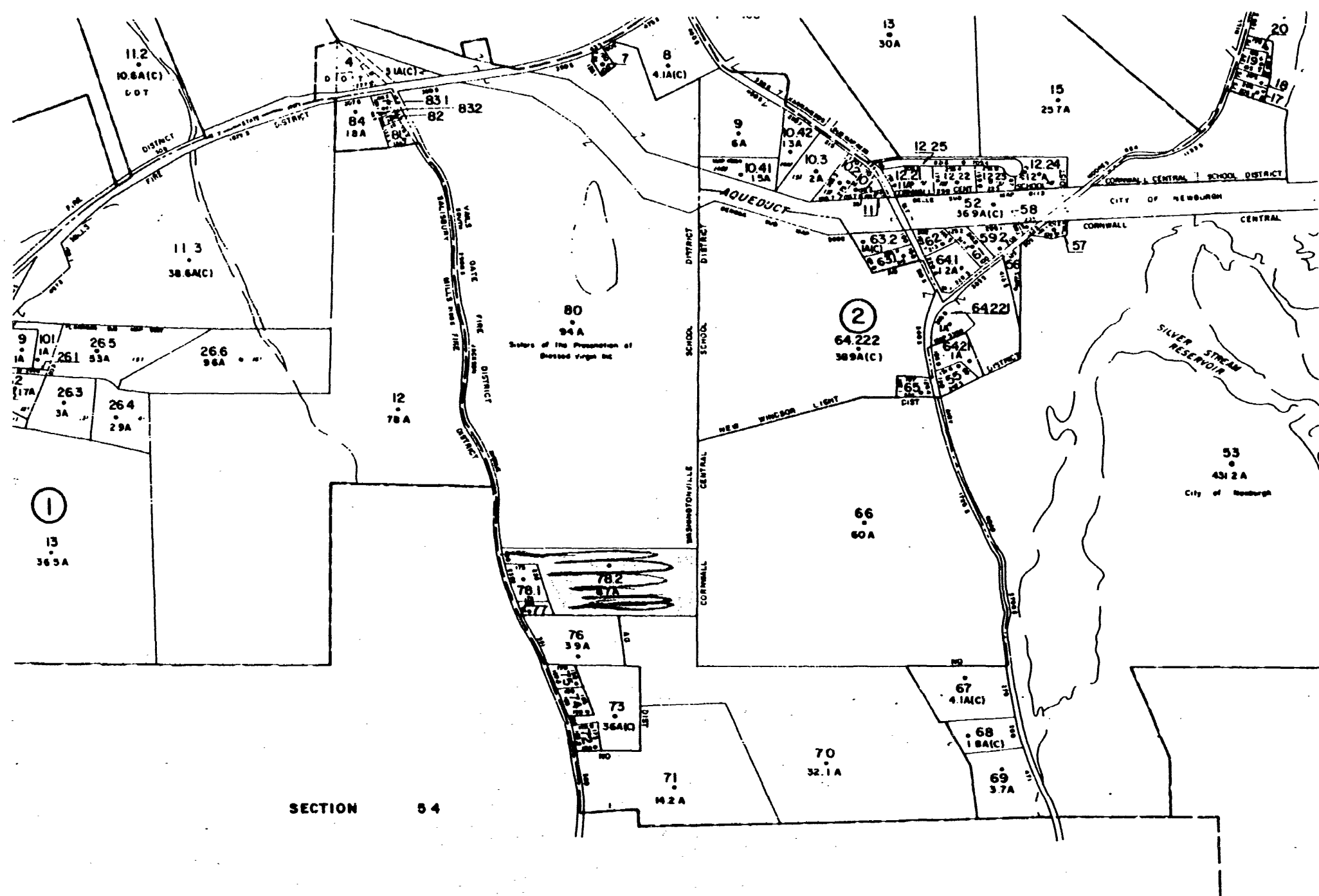
4<sup>th</sup> day of October, 2001. Deborah Green

XI. ZBA Action:

(a) Public Hearing date: \_\_\_\_\_.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
# 4984065  
Commission Expires July 15, 2003





# LEGEND

|               |                     |   |                                       |
|---------------|---------------------|---|---------------------------------------|
| COUNTY LINE   | FILED PLAN LOT LINE | TAX MAP BLOCK NO. ④   | FILED PLAN BLOCK NO. ② ③              |
| TOWNSHIP LINE | EASEMENT LINE       | TAX MAP PARCEL NO. 32   | FILED PLAN LOT NO. 100                |
| DISTRICT LINE | MATCH LINE          | AREAS (Food, 11A, 12A, 13A, 14A, 15A, 16A, 17A, 18A, 19A, 20A, 21A, 22A, 23A, 24A, 25A, 26A, 27A, 28A, 29A, 30A, 31A, 32A, 33A, 34A, 35A, 36A, 37A, 38A, 39A, 40A, 41A, 42A, 43A, 44A, 45A, 46A, 47A, 48A, 49A, 50A, 51A, 52A, 53A, 54A, 55A, 56A, 57A, 58A, 59A, 60A, 61A, 62A, 63A, 64A, 65A, 66A, 67A, 68A, 69A, 70A, 71A, 72A, 73A, 74A, 75A, 76A, 77A, 78A, 79A, 80A, 81A, 82A, 83A, 84A, 85A, 86A, 87A, 88A, 89A, 90A, 91A, 92A, 93A, 94A, 95A, 96A, 97A, 98A, 99A, 100A) | STATE HIGHWAYS N.Y. STATE HWY. NO. 17 |
|               | STREAMS             | DIMENSIONS (Feet) 15' and 75'   | COUNTY AND CITY                       |

ORANGE COUNTY-NEW YORK

497, 498, 499

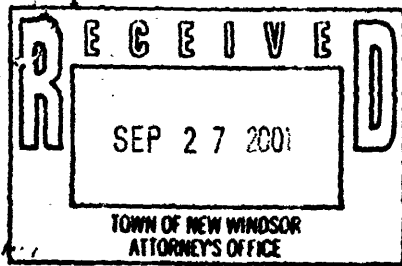
Date of Map 9-24-67

PL



11-2-3

**P.O. Box 472 • 77 East Main St.  
Washingtonville, NY 10992**



Date ..... 1/23/01 .....

# TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

TO ..... Frances Roth DR.  
168 N. Drury Lane  
Newburgh, N.Y. 12550

| DATE    |  |                           | CLAIMED | ALLOWED |
|---------|--|---------------------------|---------|---------|
| 1/24/01 |  | Zoning Board Mtg          | 75 00   |         |
|         |  | Misc - 6                  |         |         |
|         |  | Botsakis - 3              |         |         |
|         |  | Langer - 2                |         |         |
|         |  | Baker - 3                 |         |         |
|         |  | Pimmiceli - 2             |         |         |
|         |  | Bela/Orange Cty Trust - 5 |         |         |
|         |  | Corbett - 3               |         |         |
|         |  | Mans - 9                  | 148 50  |         |
|         |  | 33                        |         |         |
|         |  |                           | 223 50  |         |
|         |  |                           |         |         |
|         |  |                           |         |         |
|         |  |                           |         |         |

DI MICELI, LOUIS

MR. TORLEY: Request for 25 ft. road frontage for proposed single-family dwelling at 786 Jackson Avenue in an R-1 zone.

Mr. Anthony Fayo appeared before the board for this proposal.

MR. FAYO: I'm looking for a 25 foot variance, the lot width is 100, I need 125.

MR. BABCOCK: Just let me correct something before we get started here. When my guys did the paperwork, they wrote the information in as required road frontage, it should have been in lot width, yeah, so this gentleman's looking for a lot width variance, not a road frontage.

MS. CORSETTI: Is it 25 feet?

MR. BABCOCK: That's correct. When this lot was created, the lot width was measured at the house line. Today, it's measured at the front yard setback, 45 feet, he can't make that because his house will be more than 45 feet from the road. So that's why he's here for the variance.

MR. REIS: Just for the record, I'm going to recuse myself for this for handling the sale of the property.

MR. TORLEY: Thank you. I appreciate that, always appreciate your forthrightness on this.

MR. KANE: The size home you're putting on or proposed to put on this property same in size to other homes in the area?

MR. FAYO: Pretty much, yes.

MR. TORLEY: Clearly there's not a problem with lot area since there's about 8.3 acres.

MR. BABCOCK: Yes.

MR. KANE: Won't be creating any water hazards or runoffs, anything like that?

MR. FAYO: No no.

MR. TORLEY: And you do realize should you be granted this variance, it's for a house?

MR. FAYO: Yes.

MR. TORLEY: Because that's sort of not a pure flag lot but it's close and we have been in the practice to only permit those for a single-family house, not for somebody trying to stick a development back there.

MR. BABCOCK: If they decided to subdivide this, they'd have to put a road of some type in which would change the whole criteria of where they'd account for their lot width.

MR. MC DONALD: I make a motion that we set up a public hearing for Louis DiMiceli for his requested variance.

ROLL CALL

|               |     |
|---------------|-----|
| MR. RIVERA    | AYE |
| MR. MC DONALD | AYE |
| MR. KANE      | AYE |
| MR. REIS      | AYE |
| MR. TORLEY    | AYE |

MR. TORLEY: We'd appreciate one thing when you come in if you can have a photograph just to show this.

MR. FAYO: Not a problem.



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

September 12, 2001

12

Fred Fayo III  
427 Mt Airy Road  
New Windsor, NY 12553

Re: 32-2-78.2

Dear Mr. Fayo:

According to our records the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook  
Sole Assessor

LC/lrd  
Attachments

CC: Pat Corsetti, ZBA

32-1-12  
Richard & Linda Ostner  
66 Union Avenue  
New Windsor, NY 12553

54-1-11  
Craig Westervelt  
761 Jackson Avenue  
New Windsor, NY 12553

32-2-66  
Mount Airy, LLC  
C/o Joseph D. Pamerone, Manager/Member  
70 Taylor's Way  
Newburgh, NY 12550

54-1-56  
Stephen Sakadelis  
36 Square Hill Road  
New Windsor, NY 12553

32-2-70  
Harold Baxter Jr.  
505 Jackson Avenue  
New Windsor, NY 12553

32-2-73.1  
Josephine Giacco  
746 Jackson Avenue  
New Windsor, NY 12553

32-2-74  
Vernard & Paul Baisley  
750 Jackson Avenue  
New Windsor, NY 12553

32-2-75  
William & Concetta Bienish  
758 Jackson Avenue  
New Windsor, NY 12553

32-2-76 & 32-2-77  
Wallace & Joyce Orr  
770 Jackson Avenue  
New Windsor, NY 12553

32-2-78.1  
Vincent & June Mary Guerino  
776 Jackson Avenue  
New Windsor, NY 12553

32-2-80  
Sisters of the Presentation of Blessed  
Virgin Inc. Mt. Saint Joseph  
880 Jackson Avenue  
New Windsor, NY 12553

54-1-10, 54-1-54 & 54-1-55  
Pamela Ludlow  
765 Jackson Avenue  
New Windsor, NY 12553

32-1-12  
Richard & Linda Ostner  
66 Union Avenue  
New Windsor, NY 12553

54-1-11  
Craig Westervelt  
761 Jackson Avenue  
New Windsor, NY 12553

(12)

32-2-66  
Mount Airy, LLC  
C/o Joseph D. Pamerone, Manager/Member  
70 Taylor's Way  
Newburgh, NY 12550

54-1-56  
Stephen Sakadelis  
36 Square Hill Road  
New Windsor, NY 12553

32-2-70  
Harold Baxter Jr.  
505 Jackson Avenue  
New Windsor, NY 12553

32-2-73.1  
Josephine Giacco  
746 Jackson Avenue  
New Windsor, NY 12553

32-2-74  
Vernard & Paul Baisley  
750 Jackson Avenue  
New Windsor, NY 12553

32-2-75  
William & Concetta Bienish  
758 Jackson Avenue  
New Windsor, NY 12553

32-2-76 & 32-2-77  
Wallace & Joyce Orr  
770 Jackson Avenue  
New Windsor, NY 12553

32-2-78.1  
Vincent & June Mary Guerino  
776 Jackson Avenue  
New Windsor, NY 12553

32-2-80  
Sisters of the Presentation of Blessed  
Virgin Inc. Mt. Saint Joseph  
880 Jackson Avenue  
New Windsor, NY 12553

54-1-10, 54-1-54 & 54-1-55  
Pamela Ludlow  
765 Jackson Avenue  
New Windsor, NY 12553